

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YVONNE BROOKS, an individual,

Plaintiff,

vs.

SAFEWAY INC., a foreign for-profit  
corporation,

Defendant.

No. 2:21-cv-378

DEFENDANT'S NOTICE OF REMOVAL  
OF ACTION PURSUANT TO 28 U.S.C. §§  
1332, 1441 AND 1446

(REMOVED FROM SNOHOMISH  
COUNTY SUPERIOR COURT CAUSE  
NO. 21-2-00860-31)

TO: Clerk, U.S. District Court, Western District of Washington, at Seattle;

AND TO: Plaintiff and Plaintiff's Counsel of Record.

Defendant hereby removes to this Court the state court action described below on the grounds stated herein, and as supported by the Declaration of Kimberly A. Reppart and the exhibits attached thereto.

**I. INTRODUCTION & STATEMENT OF FACTS**

On February 23, 2021, Plaintiff commenced a lawsuit in Snohomish County Superior Court entitled Yvonne Brooks v. Safeway Inc. Plaintiff served Safeway Inc. with the Summons and Complaint on February 24, 2021. Declaration of Kimberly A. Reppart, Ex. 1.

1 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed  
 2 "...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the  
 3 initial pleading setting forth the claim for relief upon which such action or proceeding is based..."  
 4 28 U.S.C. § 1446(b)(1). Plaintiff is claiming more than \$75,000 in damages, pursuant to a March  
 5 2, 2021 via email. Reppart Decl., Ex. 2.

6 Safeway Inc. is a Delaware corporation with headquarters located in Pleasanton, California.  
 7 Reppart Decl., Ex. 3.

## 8 **II. BASES FOR REMOVAL**

### 9 **A. There is Complete Diversity of Citizenship under 28 USC § 1332.**

10 This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §  
 11 1332(a)(1), and this action is one that can be removed to this Court by defendant pursuant to 28  
 12 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the amount in  
 13 controversy exceeds the sum of \$75,000, exclusive of interest and costs.

14 The plaintiff is a resident of Washington State. Reppart Decl., Ex. 4. Defendant Safeway  
 15 Inc. is a Delaware corporation with headquarters located in Pleasanton, California. Reppart Decl.,  
 16 Ex. 3. Removal of the plaintiff's action to this Court is proper because there is complete diversity  
 17 of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete diversity at the  
 18 time plaintiff's lawsuit was served.

### 19 **B. The Amount in Controversy Exceeds the Jurisdictional Minimum.**

20 Plaintiff's counsel claimed more than \$75,000 in damages on March 2, 2021 via email.  
 21 Reppart Decl., Ex. 2. This information is sufficient to conclude that plaintiff seeks to recover in  
 22 excess of \$75,000 in damages against Defendant.  
 23

**C. This Notice of Removal is Timely Under 28 USC § 1446(b).**

This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed “...within thirty days after receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based...” 28 U.S.C. § 1446(b)(1).

**D. This Notice of Removal Complies with the Applicable Local Rules, and Venue Is Proper in the Western District of Washington under 28 U.S.C. § 128(b).**

This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and Local Rules. Defendant has attached to the Declaration of Kimberly Reppart, filed in support of this Notice, copies of all process, pleadings, and orders served upon it in the state court action, as required by 28 U.S.C. § 1446. Venue is proper in this District pursuant to 28 U.S.C. §§ 128(b) and 1391, because this District encompasses Snohomish County, the county listed in the state court complaint served on Defendant.

Defendant is serving plaintiff with copies of this Notice of Removal and the supporting Declaration of Kimberly Reppart (with exhibits).

### III. CONCLUSION

Plaintiff's civil action, originally venued in Snohomish County Superior Court for the State of Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District Court for the Western District of Washington at Seattle.

Dated this 18<sup>th</sup> day of March, 2021.

FORSBERG & UMLAUF, P.S.

By: s/ Kimberly A. Reppart  
Kimberly A. Reppart, WSBA #30643

1 901 Fifth Avenue, Suite 1400  
2 Seattle, WA 98164-2050  
3 Telephone: (206) 689-8500  
4 Email: [kreppart@foum.law](mailto:kreppart@foum.law)  
5 Attorneys for Defendant Safeway Inc.

6 FORSBERG & UMLAUF, P.S.

7 By: s/ Kristin E. Bateman  
8 Kristin E. Bateman, WSBA #54681  
9 901 Fifth Avenue, Suite 1400  
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13 Attorneys for Defendant Safeway Inc.

**CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing ***DEFENDANT'S NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §§ 1332, 1441 AND 1446*** on the following individuals in the manner indicated:

Mr. Curtis J. Chambers  
Inslee Best Doezie & Ryder, P.S.  
10900 NE 4th Street, Suite 1500  
Bellevue, WA 98004  
Facsimile: 425-635-7720  
(X) Via Electronic Mail  
(X) Via ECF

**SIGNED** this 18<sup>th</sup> day of March, 2021, at Seattle, Washington.

s/ Shanta D. Jones  
Shanta D. Jones